

S.B.CRIMINAL MISC. II BAIL APPLICATION NO.74/2007

Date : 11.01.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Rajesh Panwar for the applicant.

Mr. V.R. Mehta, Public Prosecutor for State.

Mr. N.L. Joshi for complainant.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that uptill now statements of seven witnesses have been recorded and none of them involved the present applicant in the case. He submits that the case is basically depends on circumstantial evidence. He further submits that Jai Singh and Dariya Singh were granted bail by this Court, therefore, the applicant's case may be considered for bail.

On the other hand, learned Public Prosecutor assisted by learned counsel for the complainant have argued

that in this case the deceased' s wife has stated about involvement of the accused applicant in this case and statements of Daya Ram and Sheesh Ram are yet to be recorded.

I have considered the submissions made before me.

After hearing learned counsel for the parties and taking into consideration the overall facts and circumstances of the present case, while rejecting the bail application, I deem it proper to pass following order :

The learned trial court in preference record statements of material witnesses including wife of the deceased, preferably within a period of two months. After recording of statements of above witnesses, the applicant shall be free to move regular bail application before the learned trial court and the learned trial court, if any such application is moved, decide the same in accordance with law.

The bail application stands rejected.

(SATYA PRAKASH PATHAK), J.